

Fair Political Practices Commission

Memorandum

To: Chairman Getman and Commissioners Downey, Knox and Swanson

From: Carla Wardlow, Chief, Technical Assistance Division
Luisa Menchaca, General Counsel

Subject: Proposition 34 Fact Sheet

Date: November 26, 2002

Proposition 34 became effective January 1, 2001. However, section 83 of Proposition 34, as amended by SB 34 (Burton), provides as follows:

“This act shall become operative on January 1, 2001. However, Article 3 (commencing with Section 85300), except subdivisions (a) and (c) of Section 85309, Section 85319, Article 4 (commencing with Section 85400), and Article 6 (commencing with Section 85600), of Chapter 5 of Title 9 of the Government Code shall apply to candidates for statewide elective office beginning on and after November 6, 2002.” (Section 83, an uncoded section of Proposition 34, as amended by Stats. 2001, Ch. 241, effective September 4, 2001.)

Now that all the contribution limits are all in effect, many questions have surfaced regarding fundraising, attribution, and expenses. Therefore, staff has drafted a fact sheet for Commission consideration that answers many of the questions asked by candidates, the press, and other members of the public. This is the third Proposition 34 fact sheet to be issued.

Staff requests approval of the responses in the fact sheet. Should the Commission consider the answers to be incorrect, or to warrant additional analysis, we request that the fact sheet be published with responses the Commission considers to be straightforward and correct.

Question number 1 in section 3 focuses on issues raised recently by advice requests made on behalf of statewide candidates. Staff issued two letters advising statewide candidates regarding the operation of these statutes on them, but indicated that some questions were appropriate for Commission consideration. (*Fishburn* Advice Letters, A-02-271 and A-02-257, copies attached.) Staff determined that a fact sheet would be the best vehicle to expeditiously address frequently asked questions. However, some responses to issues relating to statewide candidates flow from the response to question number 1, section 3. A response different from that presented in the fact sheet would require amendment of existing regulations and/or a legislative amendment. To this end, at its September

2002 meeting the Commission voted to propose a legislative amendment that would make the contribution limits of Proposition 34 applicable to pre-Proposition 34 committees. A draft of that legislative proposal is being presented to the Commission for its approval as part of the legislative report for this meeting (December 13, 2002).

Attachments